

REMARKS

Claims 3 and 4 are pending in the application, claims 1 and 2 being canceled and claims 3 and 4 being newly added herein. Claims 3 and 4 are both independent claims.

Claims Rejections - Double Patenting

Claims 1 and 2 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-3 of copending U.S. Patent No. 10/514,987.

In anticipation of a similar rejection of claims 3 and 4 under the judicially created doctrine of obviousness type double patenting, applicant submits herewith a Terminal Disclaimer duly executed by the undersigned attorney of record for applicant. Also enclosed is a copy of an assignment being submitted concurrently herewith for recordation in the assignment records of the Patent and Trademark Office. The official fee of Sixty-Five Dollars (\$65) for submitting a statutory disclaimer in enclosed herewith, together with a fee of Sixty-Dollars (\$60) for a one-month extension of time, for a small entity.

Claims Rejections - 35 U.S.C. § 112

Claims 1 and 2 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner specifically maintains that claims 1 and 2 were incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. More particularly, the Examiner questioned whether the “apparatus” in line 2 of claim 1 was the same as or different from the “means for picking” in line 4.

The rejection of claims 1 and 2 under 35 U.S.C. § 112, second paragraph, is moot owing to the cancellation of those claims. It is believed that the gap referred to by the Examiner does not exist in new claims 3 and 4.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,733,867 to Prutton in view of U.S. Patent No. 6,463,781 to Watanabe et al.

The Invention Applicant's invention is directed to the use of an electronically controlled linear motor to actuate a reciprocating member in an automatic rotary rolling machine. The invention enables the reciprocating member to achieve a very short response time in comparison to prior art machines. In an automatic rotary rolling machine incorporating applicant's invention, an electronic control signal can be generated at any moment, thereby enabling a constant variation of the feeding rate. One advantage of this capability is to equalize wear over the periphery of the rolling tool.

The Prior Art None of the prior art documents of record dealing with automatic rotary rolling machines either discloses or suggests the use of an electronically controlled linear motor to actuate a reciprocating member, as set forth in claims 3 and 4. In the prior art, the reciprocating member is driven either mechanically by cam drives or pneumatically.

Watanabe et al. does not provide any motivation or impetus to one of ordinary skill in the art to provide an electronically controlled linear motor to actuate a reciprocating member in an automatic rotary rolling machine. Watanabe relates to a completely different kind of machine.

Information Disclosure Statement Pursuant to the Duty to Disclose under 37 C.F.R. §1.56(a), applicant encloses herewith an Information Citation Form (PTO-1449) listing patent documents relevant to the background of the invention described and claimed in the above-identified application. Also enclosed are copies of the listed documents other than U.S. patents and published U.S. patent applications.

The references listed on the enclosed Citation Form have been cited in related Application No. 10/514,987 filed November 18, 2004.

A check enclosed herewith includes a \$180 fee for late submission of an Information Disclosure Statement (37 C.F.R. §§ 1.17(p) and 1.97(c)).

The claim amendments, if any, made herein are made without prejudice to applicants' right to pursue additional subject matter in a separate continuation or divisional application.

Conclusion

For the foregoing reasons, independent claims 3 and 4 are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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